

# DEPARTMENT OF AGRICULTURE

## Subtitle 15 MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

### 15.15.01 Guidelines for the Maryland Agricultural Land Preservation Program

Authority: Agriculture Article, §§2-504, 2-509, and 2-513, Annotated Code of Maryland

#### Notice of Withdrawal

[14-377-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulation .10 under COMAR 15.15.01 Guidelines for the Maryland Agricultural Land Preservation Program, which was published in 41:25 Md. R. 1530—1531 (December 12, 2014), has been withdrawn by operation of law.

BRIAN MORRIS  
Administrator  
Division of State Documents

## Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

#### Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

#### Formulation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 14

## INDEPENDENT AGENCIES

### Subtitle 36 MARYLAND LONGITUDINAL DATA SYSTEM CENTER

#### 14.36.04 Longitudinal Data Requests

Authority: Education Article, §§24-701, 24-703, and 24-706; General Provisions Article, Title 4; Labor and Employment Article, §8-625; [State Government Article, Title 10, Subtitle 6;] Annotated Code of Maryland

#### Notice of Proposed Action

[16-063-P]

The Governing Board of the Maryland Longitudinal Data System proposes to amend Regulations .01 and .03, repeal Regulation .04, recodify existing Regulations .05 and .08 to be Regulations .04 and .07, respectively, and amend and recodify existing Regulations .06 and .07 to be Regulations .05 and .06, respectively, under COMAR 14.36.04 Longitudinal Data Requests.

This action was considered by the Governing Board of the Maryland Longitudinal Data System at an open meeting held on September 11, 2015, notice of which was given by publication on the website for the Maryland Longitudinal Data System Center pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to amend the longitudinal data request process to ensure that it is consistent with the requirements of the Maryland Public Information Act.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Ross Goldstein, Executive Director, Maryland Longitudinal Data System Center, 525 West Baltimore Street, Baltimore, MD 21201, or call 410-706-2085, or email to [ross.goldstein@maryland.gov](mailto:ross.goldstein@maryland.gov). Comments will be accepted through March 21, 2016. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by Governing Board of the Maryland Longitudinal Data System during a public meeting to be held on March 11, 2016, at 10 a.m., at 200 West Baltimore Street, 7th Floor Board Room, Baltimore, MD 21201.

#### .01 Scope.

A. — B. (text unchanged)

[C. Requests for longitudinal data from the Center should satisfy a similar purpose.]

#### .03 Applications — General.

A. — B. (text unchanged)

C. Options. The application form shall require at a minimum:

(1) — (2) (text unchanged)

(3) Disclosure of the title of the research project for which the data request is being made, *if applicable*;

(4) Disclosure of whether or not the applicable research project is funded, *if applicable*;

(5) A summary of the research project, including but not limited to the research questions presented for evaluation by the project, *if applicable*; and

(6) The target dates for data collection, data analysis, report writing and report publication for the applicable research project, *if applicable*.

#### [.06] .05 Fees.

A. — B. (text unchanged)

C. Waiver or Reduction. On an applicant's request, the Executive Director may waive or reduce any fee imposed under this chapter if the Executive Director, after considering the applicant's ability to pay and other relevant factors, [including but not limited to the purpose specified for the data request,] determines that a waiver or reduction of fees is in the public interest.

#### [.07] .06 Individual Records.

- A. (text unchanged)
- B. Individual Student Records.
- (1) — (3) (text unchanged)
- (4) The Center shall direct requests for access to individual student records to the agency supplying the records to the Center for consideration under the Maryland Public Information Act, [State Government, Title 10, Subtitle 6] *General Provisions Article, Title 4*, Annotated Code of Maryland, and any and all applicable State and federal statutes and regulations.
- C. Individual Workforce Records.
- (1) — (4) (text unchanged)
- (5) Requests for access to individual workforce records shall be directed to the Maryland Department of Labor, Licensing and Regulation for that agency's consideration under the Maryland Public Information Act, [State Government Article, Title 10, Subtitle 6] *General Provisions Article, Title 4*, Annotated Code of Maryland, and any and all applicable State and federal statutes and regulations.
- D. — E. (text unchanged)

ROSS GOLDSTEIN  
Executive Director

## Title 31

# MARYLAND INSURANCE ADMINISTRATION

### Subtitle 04 INSURERS

#### 31.04.02 Examination of [Promoters] *Principal Management* or Controllers of Insurers

Authority: *Health-General Article, §§15-102.6, 19-705, 19-708, 19-7A-03, and 19-7A-04*; Insurance Article, §§2-109, 2-205(c), 12-206, 3-104] 4-108, 4-113(a)(7)—(9), [and 4-115] 7-304, 7-603, 8-412, 8-417, 14-109(3), and 14-405; Annotated Code of Maryland

##### Notice of Proposed Action

[16-062-P]

The Insurance Commissioner proposes to amend Regulations .01, .02, and .04, repeal existing Regulations .03 and .05—,08, and adopt new Regulations .03 and .05—,07 under **Examination of Principal Management or Controllers of Insurers**.

##### Statement of Purpose

The purpose of this action is to update certain provisions of COMAR that provide for the suitability of certain individuals who exercise control of any substantial portion of insurance companies that do business in the State. Specifically, these amendments specify the circumstances under which certain insurance companies are required to submit biographical affidavits of principal management to the Maryland Insurance Administration, and the means by which the Maryland Insurance Administration may verify the information contained therein. These proposed amendments implement procedures recommended by the National Association of Insurance Commissioners in their 2014 Company Licensing Best Practices Handbook.

##### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

##### Estimate of Economic Impact

**I. Summary of Economic Impact.** These proposed regulations will result in a minimal decrease in expenditures for the Maryland Insurance Administration and a minimal increase in costs for insurance companies.

##### II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

A. On issuing agency:

Reduction in affidavit review time

(E-)

Minimal

B. On other State agencies:

NONE

C. On local governments:

NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

Cost of background reports

(-)

Minimal

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

##### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. MIA staff members currently spend an average of 1½ hours reviewing information contained in each biographical affidavit submitted. Approximately 160 affidavits are currently reviewed by MIA staff per year. Under this regulation, the MIA staff will only be spending a few minutes reviewing the background report submitted by an independent third party for each affidavit submitted, opening up staff resources which may be expended elsewhere.

D. Insurance companies are responsible for the payment of the services provided by the independent third party for the preparation and submission of background reports to the Commissioner. The cost per report is approximately \$300, which is not significant.

##### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

##### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 Saint Paul Place, Ste. 2700, Baltimore, Maryland 21202, or call 410-468-2201, or email to [insurancereview.mia@maryland.gov](mailto:insurancereview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through March 21, 2016. A public hearing has not been scheduled.

##### .01 [Authority and] Purpose and Scope.

[This chapter is promulgated to supplement the statutory provisions set forth in Insurance Article, §§2-206, 3-104, and 4-115, Annotated Code of Maryland.] The purpose of [the] this chapter is to ensure protection [to] of the public interest [in the promotion of insurance companies proposed to be operated in Maryland] by providing for the evaluation of the suitability of certain individuals who exercise control of any substantial portion of certain entities that do insurance business in the State, including an insurer, health maintenance organization, managed care organization, fraternal benefit society, nonprofit health service plan, and dental plan organization.

##### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) [“Person” means an individual, insurer, company, association, organization, society, reciprocal or inter-insurance exchange, partnership, syndicate, business trust, corporation, and any other legal entity.] “Affiant” means an individual who certifies to the accuracy of statements made in a biographical affidavit.

(2) [Principal Management.

(a) “Principal Management” means any person, with or without title, exercising effective control of any substantial portion of the general business of the promoter or insurer.

(b) Principal management includes, but is not limited to, the chairman of the board, president, vice president, secretary, treasurer, controller, actuary, directors, and members of the executive committee.] “Applicant” means a person who submits a biographical affidavit pursuant to Regulation .03A of this chapter.

(3) “Approved independent third party” means an independent third party as defined in §B(12) of this regulation that is on the currently approved independent third party list published by the NAIC on the Uniform Certificate of Authority website.

(4) “Background report” means documentation provided by an approved independent third party that complies with NAIC’s “Best Practices for NAIC Background Investigations” and details information verified or discovered in the course of the background investigation, or both.

(5) “Biographical affidavit” means the current NAIC Form 11, “Biographical Affidavit”, of the NAIC Uniform Certificate of Authority Application and must include a completed, state-specific “Disclosure and Authorization Concerning Background” form.

(6) “Certificate of authority” has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(7) “Control” has the meaning stated in Insurance Article, §7-101, Annotated Code of Maryland.

(8) “Dental plan organization” has the meaning stated in Insurance Article, §14-401(c), Annotated Code of Maryland.